IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22563 of 2004

Between:

B. Naganna, S/o. B. Linganna,
T. Sallakullur Village, Yemmiganur Mandal, Kurnool District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not allotting the Essential Commodities to the petitioner in respect of Shop Fair Shop of T. Sallakullar Village, Yemmiganur Mandal, Kurnool District, during the subsistence of valid authorisation as illegal, arbitrary, and ultra vires the provisions of the A.P. State Public Distribution Control orders, 2001and consequently direct the respondents to allot the essential commodities to the petitioner, and to grant such other relief or reliefs.

Counsel for the Petitioner:MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The first respondent issued a show cause notice dated 08.10.2004 to the petitioner directing him to explain as to why the dealership should not be suspended. The petitioner claims to have submitted an explanation on 29.10.2004. His grievance is that even before any orders are passed in pursuance of the show cause notice, the supply of essential commodities is stopped.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The first respondent has issued the show cause notice, as contemplated under Clause 5(4) of A.P. Public Distribution System Control Order, 2001. The petitioner had since submitted his explanation. It is for the first respondent to pass necessary orders, duly taking into account the explanation submitted by him. Till such an order is passed, the supply of essential commodities to the petitioner cannot be stopped. Such a course of action would, in fact, amount to disregarding the existing order of appointment of a fair price shop dealer.

Hence, the writ petition is disposed of directing that the respondents shall supply the essential commodities to the petitioner on usual terms till the first respondent passes an order in pursuance of the show cause notice, duly taking into account the explanation offered by the petitioner. No order as to costs.

07.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

3 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

4 Two CD copies.